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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

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JOSE CRISTOBAL CARDONA

CIVIL ACTION NO. 08-2035

versus

JUDGE TRIMBLE

WARDEN JOE KEFFER

MAGISTRATE JUDGE KIRK

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**ORDER**

Before the court is a motion for reconsideration<sup>1</sup> filed by petitioner. Petitioner's motion asserts that this court's judgment of April 23, 2009<sup>2</sup> adopting the report and recommendation of the magistrate judge<sup>3</sup> and dismissing petitioner's claims with prejudice contained manifest errors of law and fact. Specifically, petitioner avers that court failed to

make the required findings of fact and conclusions of law on whether the disciplinary hearing officer imposed an improper sanction and relied on inadmissible (extorted and compelled) evidence that resulted in the forfeiture o /sic/ 40 days of good time credits, as required by Fed. R. Civ. P. 52(a) and 54(b).<sup>4</sup>

The court has reviewed the report and recommendation of the magistrate judge and refers petitioner to that document at pages 3 through 5, wherein the court explains that petitioner's

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<sup>1</sup>R. 11.

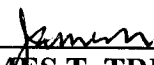
<sup>2</sup>R. 10.

<sup>3</sup>R. 8.

<sup>4</sup>R. 11 at p. 2.

claim that he was deprived of due process during the prison disciplinary hearing at issue is “not supported by the facts or the law.” Specifically, the court reviewed the “DHO documents” and found that petitioner had been afforded all necessary process under Wolff v. McDonnell<sup>5</sup> and Superintendent, Massachusetts Correctional Institution v. Hill.<sup>6</sup> Given that the court expressly ruled on the issue which petitioner alleges was neglected so as to constitute manifest error, we find that petitioner’s motion for reconsideration is, in fact, merely an attempt to consider arguments already raised and, therefore, is hereby **DENIED**.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 1<sup>st</sup> day of May, 2009.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**

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<sup>5</sup>418 U.S. 539 (1974).

<sup>6</sup>472 U.S. 455 (1985).